



LEGISLATIVE UPDATE

June 24, 2016

The budget deal of the year is rumored to be voted on by the House and Senate next week. Senate staffers were, at one point, told to be prepared to work conceivably next Saturday, July 2. The Senate seems quite committed to adjourning by the July 4th weekend; however, House members indicated that it will require perhaps two more weeks of Session, even after a budget is passed. Apparently, the corner offices are continuing to deliberate over the new teacher salary schedule and how much funding to dedicate to Opportunity Scholarships, among other issues. Regardless, legislators and lobbyists alike are feeling the "final countdown" of the days remaining in this Short Session. Lawmakers have been working at a feverish pace, as evidenced by the pages that follow on relevant bills with action.

This week's actions in Education include: 1) a rumored plan for the House to get its [HB 1080](#) Achievement School District through the Senate, in exchange for the Senate's [HB 539](#) Charter School Funding to pass the House; 2) a House rebuff to the Senate's high school math plan [HB 657](#); (Please contact the [conferees](#) to voice any concerns) 3) a [promise from lawmakers](#) that year-round schools will not experience a calendar crunch; and 4) the postponement of House debate on a charter school law rewrite bill [HB 242](#). These infamous final days (or weeks) of Session are always chocked-full of salacious surprises. Please stay tuned, and [contact your legislators](#) and other relevant Committee members on those issues important to you.

Education-Related Bills

[HB 100](#) Local Government Immigration Compliance

This bill passed both the Senate Judiciary and Senate Appropriations Committees this week. Of import to public education is Section 3 of the bill which would create a new Article in Chapter 64 of the General Statutes entitled, "Local Government Noncompliance with State Laws Related to Immigration." It sets up a new process whereby any person can file a statement with the NC Attorney General setting forth a "good-faith belief" that a city, county, or law enforcement agency is not in compliance with a state immigration law. If the Attorney General finds that any city, county, or law enforcement agency is not in compliance, then "[A]ll affected local governments shall be ineligible to receive distributions under G.S. 115C-546.2 [Public School Building Capital Fund] and G.S. 136-41.1 for the fiscal year following the first date of noncompliance with the State law related to immigration."

[HB 242](#) Various Charter School Law Changes

HB 242 was scheduled to be heard by the House on Tuesday, but the debate was postponed due to concerns raised by some lawmakers who said more time was needed to study the bill (as it had been an entirely different bill, "White Collar Investigation" when last seen by the House in 2015). House leadership agreed to instead place the bill on the calendar for Monday, June 27, to give members ample time to study its contents.

[HB 1030](#) 2016 Appropriations Act

As the budget bill, HB 1030 has received a great deal of attention this legislative session. However, a provision within the bill that would address school calendar law has given heartburn to some teachers, parents and administrators at year-round schools. The Senate budget provision at issue would require year-round schools to amend their calendars within days of their school years beginning (which is often in July for year-round schools). However, a top Senate lieutenant has indicated that it was not the General Assembly's intent to place year-round schools in this predicament, but rather target a few schools that they say have been skirting school calendar regulations. Accordingly, they have said they intend to include a fix in the final budget agreement. The negotiations on HB 1030 continue.

[HB 1074](#) Schools/CC Facilities – Test Water for Lead

HB 1074 requires certain schools and child care centers to test multiple outlets of drinking water. If elevated levels of lead are found, the school must immediately retest the water outlet(s), restrict access to the water source(s), and provide alternative supplies of clean water. Within one year, the school must have determined the source of contamination and removed it. Funds are appropriated to reimburse the costs of testing only.

On Thursday afternoon, the House Committee on Regulatory Reform approved this bill after much questioning regarding the appropriations (currently at \$2.4 million; whereas a prior bill draft had appropriated \$10 million), the degree of evidence necessitating a state system of testing schools and private child care centers for lead contaminants, and which exact schools/facilities are to be tested. One threshold component of the bill would require testing buildings only if they are built before 1987. Experts from the [Childhood Lead Program](#) under the Division of Public Health, Department of Health and Human Services, indicated that of the estimated 150,000 children who are tested each year, with a special focus on 1-2 year olds, lead contaminants are more commonly found in child care centers, not schools. Fiscal experts indicated that, of the appropriations currently in the bill, it does not include costs that would be incurred by DPI, or the Department of Environmental Quality, nor does it include any remedial action costs. If you are involved in School Planning and Operations, please contact the bill sponsors ([Hager](#), [Bryan](#), [Jeter](#), [Burr](#)) immediately to offer your input.

[HB 1080](#) Achievement School District

After having passed the House several weeks ago, HB 1080 made a late session reappearance in a Friday meeting of the Senate Education/Higher Education Committee. The bill, which would establish a statewide Achievement School District to address some of North Carolina's lowest-performing elementary schools, met with controversy while in the House. The bill's detractors expressed concerns about allowing private charter school management companies to take over operations at these low-performing schools, as well as the mixed results of similar programs in other states. The bill's supporters argued that students in failing schools cannot wait longer for reforms. HB 1080 cleared the Senate committee and will next be heard on the Senate floor.

[SB 867](#) Protect Students in Schools

This school personnel criminal backgrounds check bill had no action this week; however, it may be scheduled for the House Finance Committee as soon as Tuesday morning of next week. HR directors and school administrators who oversee hiring decisions in charters, LEAs, and regional schools will need to read the bill carefully as it currently triggers new mandatory criminal background checks at the state level for licensure applications, licensure renewals, and licensure reinstatement applications. Many HR directors would prefer to maintain local control over their current processes for criminal background checking, rather than having their hiring decisions conceivably delayed by any new state-run criminal background checking system that is directly tied to licensure. House members are contemplating amendments to this Senate bill.

Other Relevant Bills with Action This Week:

1. [HB 169](#) Regulatory Reduction Act of 2016
 - Referred to the House Committee on Regulatory Reform
2. [HB 960](#) Retirement Creditable Service Charter Schools
 - House concurred with Senate version, sent to the Governor
3. [HB 976](#) Enhance Oversight of Service Contracts/PED
 - Referred to Senate Committee on Rules and Operations
4. [HB 1011](#) Retirement Technical Corrections Act of 2016
 - Passed the Senate, sent to the Governor
5. [HB 1014](#) NC Pre-K Conforming Change/Taylor's Law
 - Signed by the Governor
 - Session Law – Ch. SL 2016-30
6. [HB 1035](#) LGC/Training for Local Gov't Finance Officers
 - Passed the Senate, sent to the Governor
7. [HB 1044](#) Law Enforcement Omnibus Bill
 - Passed Senate Committee on Judiciary II, amended bill referred to Senate Committee on Finance
8. [HB 1074](#) Schools/CC Facilities – Test Water for Lead
 - Amended bill passed House Committee on Regulatory Reform
9. [HB1133](#) Partisan Election/Transylvania Bd. of Ed.
 - Passed Senate Committee on Redistricting
10. [HB 1134](#) Admin. Changes Retirement System/Treasurer
 - Referred to the House Committee on Rules

11. [HB 1137](#) Treasurer's 2016 Investment Admin. Changes
 - Passed the Senate, sent to the Governor
12. [SB 303](#) Regulatory Reform Act of 2016
 - Senate failed to concur with House version
13. [SB 330](#) Change Orders on School Construction Projects
 - Senate passed House version, sent to the Governor
14. [SB 363](#) Wage & Hour/Local Gov't Assessments
 - Referred to Senate Committee on Rules and Operations
15. [SB 536](#) Students Know Before You Go & Central Residency
 - Senate passed House version, sent to the Governor
16. [SB 575](#) NC/SC Original Boundary Confirmation
 - Signed by the Governor
 - Session Law – Ch. SL 2016-23
17. [SB 747](#) State-Owned Real Property Management/PED
 - Referred to House Committee on Rules
18. [SB 770](#) NC Farm Act of 2016
 - Passed the Senate, sent to the House
 - Referred to House Committee on Agriculture, if favorable, Finance
19. [SB 792](#) State IT Contracts/Contractor Liability
 - Senate concurred with House version, sent to the Governor
20. [SB 815](#) Charter School in State Health Plan
 - Passed Senate Committee on Insurance
21. [SB 821](#) GSC Technical Corrections 1
 - Passed Senate Committee on Judiciary I, referred to Senate Finance
22. [SB 865](#) State Health Plan/Admin Changes/Local Govts
 - Passed Senate Committee on Insurance
23. [SB 867](#) Protect Students in Schools
 - Referred to House Committee on Finance
24. [SB 881](#) Union County School Funding
 - Signed by the Governor
 - Session Law – Ch. SL 2016-18
25. [SB 886](#) Retirement Amendments
 - Passed Senate Committee on Pensions & Retirement and Aging

26. [SB 888](#) Buncombe School Capital Fund Commission

- Signed by the Governor
- Session Law – Ch. SL 2016-19

Committee Meetings/Session: June 27 – June 30

Monday, June 27

- 9:00 AM Senate Session
- 7:00 PM House Session

Tuesday, June 28:

- TBA

Wednesday, June 29:

- TBA

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